

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-235-W/S - ORDER NO. 96-756
OCTOBER 31, 1996

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IN RE: Application of Carolina Water Service,) ORDER
Inc. for Approval of a Transfer of the) ADDRESSING
I-20 and Lake Murray Systems to the) MOTIONS
Town of Lexington, South Carolina.)

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of two Motions filed by Concerned Citizens Against Carolina Water, Inc. ("CCACW") and a Motion filed by the Consumer Advocate for the State of South Carolina ("the Consumer Advocate"). Carolina Water Service, Inc. ("CWS") filed Returns to both of CCACW's Motions and the Consumer Advocate's Motion.

First, CCACW filed a Motion to Consolidate in which CCACW requested that the instant Docket concerning the proposed transfer of certain water and sewer systems from CWS to the Town of Lexington, South Carolina, be consolidated with Docket 96-259-W/S which concerns the Petition for Decertification filed by CCACW against CWS. By its Motion to Consolidate, CCACW states that "both dockets encompassed by this motion share numerous factual questions." CCACW also notes in its Motion that 26 S.C. Code Ann. Reg. 103-864 (1976) allows for consolidation of two or more Dockets involving similar questions of law or fact. However,

other than the above quoted general allegation, CCACW does not set forth with any specificity how the issues of law and fact are similar in the two Dockets. The Commission, therefore, denies CCACW's Motion to Consolidate.

CCACW's second Motion requested that the Commission allow Opening and Closing Statements and Non-Standard Exhibits. CWS filed a Return which opposed CCACW's Motion for opening and closing statements and the use of non-standard exhibits. Upon consideration of this matter, the Commission believes and so finds that opening and closing statements should be allowed by the parties. The Commission also concludes that CCACW should be allowed to use non-standard exhibits where introduction of exhibits by CCACW is appropriate. As noted by CWS in its Return to this Motion, the Commission observes that CCACW has not prefiled any exhibits with the Commission by its prefiling date. Exhibits offered by direct witnesses should have been prefiled with the Commission pursuant to the Commission prefile scheduling Order in this Docket. However, prefiling of exhibits does not apply to exhibits offered through cross-examination of witnesses or offered through rebuttal witnesses; therefore, Non-Standard cross-examination and rebuttal exhibits will be allowed.

The Commission also considered a Motion filed by Elliott Elam, Esq., of the Office of the Consumer Advocate. The Motion requested that the Commission dismiss the Company's Application on the grounds set forth in the Consumer Advocate's Motion of September 6, 1996 (i.e., that the Application for transfer was

incomplete since certain exhibits to the Application were in fact not attached to the Application). CWS filed a return to the Consumer Advocate's Motion.

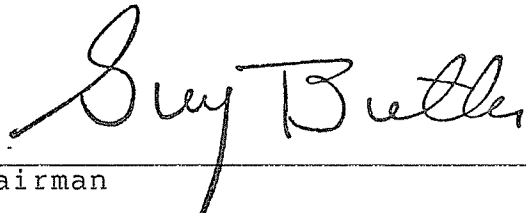
In Order No. 96-694, we denied the Consumer Advocate's September 6, 1996, Motion to Dismiss by stating that, since we granted a Continuance in that Order, the Consumer Advocate had sufficient time to conduct additional discovery and obtain the attachments to the Application. As referenced in the Consumer Advocate's Motion considered today, the Consumer Advocate to date has not received the requested developer agreements. In light of our previous consideration of the matter, we hereby order CWS to deliver the requested developer agreements (the requested attachments to the Application) to the Consumer Advocate by the close of business on October 29, 1996.

IT IS THEREFORE ORDERED THAT:

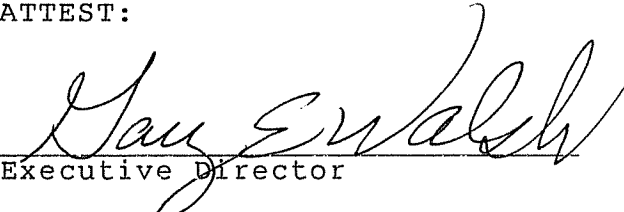
1. CCACW's Motion to Consolidate Docket Nos. 96-235-W/S and 96-259-W/S is denied.
2. CCACW's Motion to Allow Opening and Closing Statements is granted, and the Motion to Allow Non-Standard Exhibits is granted where introduction is appropriate.
3. CWS shall deliver the developer agreements to the Consumer Advocate by the close of business on October 29, 1996.

4. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director
(SEAL)